

LAND RECLAMATION COMMISSION

STATE OF MISSOURI

P.O. BOX 176

JEFFERSON CITY, MISSOURI 65102

573-751-4041

Permit To Engage in Surface Mining

LAND RECLAMATION COMMISSION

ISSUES TO

TERBRAK SAND & GRAVEL

Pursuant to "The Land Reclamation Act," RSMo, 2001, and on conformity with the statements

In the application, a permit is hereby granted to engage in surface mining of
sand & gravel in the state of Missouri. The extent of the

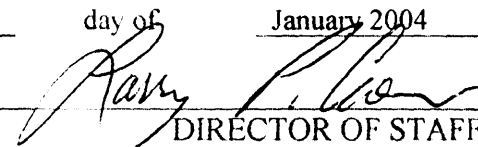
Proposed mining operation(s) will be on 1.75 acres, more or less.

The locations of the operation(s) under this permit is/are as follows: **Renewal**

County	Section	Township	Range	Acres Renewed	Acres New	Total Acres	Site/Stream Name	Site Number
Perry	US Survey 2132	35, 36	10E	1.75	0	1.75	Saline Creek	1897

This permit may be suspended or revoked upon violation of any or all of the conditions set forth in "The Land Reclamation Act," RSMo. 2001, or in such rules and regulations as are promulgated pursuant thereto by the Land Reclamation Commission.

IN WITNESS WHEREOF I have hereunto set my hand this 21st day of January 2004



DIRECTOR OF STAFF
Land Reclamation Commission

Permit No. 0862

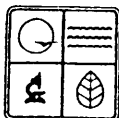
Effective Date 02/09/2004

Expiration Date 02/08/2005

MO 780-1122 (6-95)

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JAN 8 2004



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION

PERMIT RENEWAL FOR INDUSTRIAL MINERAL MINES

MISSOURI LAND RECLAMATION COMMISSION

P.O. BOX 176
JEFFERSON CITY, MO 65102-0176

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL <i>Terbruk Sand & Gravel</i>		DATE <i>1-6-04</i>	
ADDRESS <i>4971 N. Hwy 61</i>	CITY <i>Perryville</i>	STATE <i>MO</i>	ZIP CODE <i>63775</i>
CONTACT PERSON <i>Wayne M Terbruk</i>		TELEPHONE NUMBER <i>573-547-5731</i>	

FEES: COMPLETE SECTION I OR SECTION II

SECTION I. Fees: Open pit operators and those mining more than 5,000 tons of sand and/or gravel:

1. To compute the site fee complete the information below:

SITE NAME OR NUMBER (add a separate sheet for additional sites)	Mark each month that the site will be operated during the permit year	For sites operated less than six months per permit year pay \$150 For sites operated six months or more per permit year pay \$300
1.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
2.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
3.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
4.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
5.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
6.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
7.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
8.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
9.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
10.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
TOTAL SITE FEE		\$

2. Acreage Fee \$5 X _____ number of acres bonded\$

3. Annual Permit Fee.....\$ 500

4. Total Fee (Add totals from 1, 2 and 3).....\$

NOTE: If Total Fee exceeds \$2,500.00 then pay only\$ 2,500

SECTION II. FEES: Sand or gravel operators mining less than 5,000 tons per year:

1. Annual Permit Fee.....\$ 300

SIGNATURE OF APPLICANT <i>Wayne M Terbruk</i>	TITLE <i>OWNER</i>	DATE <i>1-6-04</i>
--	-----------------------	-----------------------

Appeared before me this _____ day of _____, 20____,
to me personally known, who executed the above as their free acts and deeds.

NOTARY PUBLIC EMBOSSEER SEAL	STATE OF <i>Missouri</i>	COUNTY (OR CITY OF ST. LOUIS) <i>Perry</i>
	SUBSCRIBED AND SWORN BEFORE ME, THIS <i>6th</i> DAY OF <i>January</i> YEAR <i>2004</i>	
	NOTARY PUBLIC SIGNATURE <i>Jeanell Hotop</i>	MY COMMISSION EXPIRES <i>9-25-2006</i>
	NOTARY PUBLIC NAME (TYPED OR PRINTED) <i>Jeanell Hotop</i>	

JEANELL HOTOP
Notary Public - Notary Seal
STATE OF MISSOURI
Perry County
My Commission Expires: 9-25-2006

FOR DEPARTMENT USE ONLY: APPROVED BY <i>[Signature]</i>	DATE APPROVED <i>1-13-2004</i>	PERMIT NUMBER <i>0862</i>	EXPIRATION DATE <i>02-08-2005</i>
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MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
SITE INFORMATION FORM

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MISSOURI
LAND
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To be completed for each separate area of disturbance associated with mining operations.

SITE NAME OR NUMBER Saline Creek Site No. 1		PERMIT NUMBER 0862	
COMPANY NAME Terbrak Sand & Gravel			
COUNTY Perry	1/4 SECTION n/a	SECTION 33	+ US survey - 5th 2132-1-17-01
TOWNSHIP 35 & 36 N	RANGE 10E	ACRES 1.75	
RIVER OR STREAM NAME (FOR IN-STREAM ACRES) Saline Creek			
MINERAL COMMODITY Sand & Gravel		ESTIMATED TONS/YEAR (FOR GRAVEL SITES) less than 5,000 tons per year	

NAME OF LANDOWNER (ATTACH LIST IF MORE THAN ONE)

Earl Braun

ADDRESS

24526 State Highway J.

CITY St. Mary	STATE MO	ZIP CODE 63673
SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE): _____ <input checked="" type="checkbox"/> LEASE <input checked="" type="checkbox"/> VERBAL AGREEMENT		DATE OF AGREEMENT November, 1999

MINERAL RIGHTS OWNER (ATTACH LIST IF MORE THAN ONE)

Same as above

ADDRESS

CITY	STATE	ZIP CODE
SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE): _____ <input type="checkbox"/> LEASE <input type="checkbox"/> VERBAL AGREEMENT		DATE OF AGREEMENT

NOTE: Each site must be shown on a map and be included in a public notice and an approved mine plan.

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MISSOURI LAND
RECLAMATION COMMISSION

NAME OF LANDOWNER (ATTACH LIST IF MORE THAN ONE)		
George Bush		
ADDRESS		
3 Circle Drive		
CITY	STATE	ZIP CODE
Perryville	MO	63775
SOURCE OF RIGHT TO MINE (CHECK ONE):		DATE OF AGREEMENT
<input type="checkbox"/> MINERAL DEED		November, 1999
<input type="checkbox"/> WARRANTY DEED		
<input checked="" type="checkbox"/> VERBAL AGREEMENT		
<input type="checkbox"/> OTHER (DESCRIBE):		

MINERAL RIGHTS OWNER (ATTACH LIST IF MORE THAN ONE)		
Same as above		
ADDRESS		
CITY	STATE	ZIP CODE
SOURCE OF RIGHT TO MINE (CHECK ONE):		
<input type="checkbox"/> MINERAL DEED		DATE OF AGREEMENT
<input type="checkbox"/> WARRANTY DEED		
<input type="checkbox"/> OTHER (DESCRIBE):		
<input type="checkbox"/> LEASE		
<input type="checkbox"/> VERBAL AGREEMENT		
NOTE: Each site must be shown on a map and be included in a public notice and an approved mine plan.		

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MISSOURI LAND
RECLAMATION COMMISSION

NAME OF LANDOWNER (ATTACH LIST IF MORE THAN ONE)

Wayne Braun

ADDRESS

24612 State Route J

CITY

St. Mary

STATE

MO

ZIP CODE

63673

SOURCE OF RIGHT TO MINE (CHECK ONE):

☐ MINERAL DEED

☐ LEASE

☐ WARRANTY DEED

☒ VERBAL AGREEMENT

☐ OTHER (DESCRIBE):

DATE OF AGREEMENT

November, 1999

MINERAL RIGHTS OWNER (ATTACH LIST IF MORE THAN ONE)

Same as above

ADDRESS

CITY

STATE

ZIP CODE

SOURCE OF RIGHT TO MINE (CHECK ONE):

☐ MINERAL DEED

☐ LEASE

☐ WARRANTY DEED

☐ VERBAL AGREEMENT

☐ OTHER (DESCRIBE):

DATE OF AGREEMENT

NOTE: Each site must be shown on a map and be included in a public notice and an approved mine plan.

IO 780-1036 (12-91)

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MISSOURI LAND
RECLAMATION COMMISSION

NAME OF LANDOWNER (ATTACH LIST IF MORE THAN ONE)

Michelle Braun

ADDRESS

24526 State Route J

CITY

St. Mary

STATE

MO

ZIP CODE

63673

SOURCE OF RIGHT TO MINE (CHECK ONE):

☐ MINERAL DEED

☐ LEASE

☐ WARRANTY DEED

☒ VERBAL AGREEMENT

☐ OTHER (DESCRIBE):

DATE OF AGREEMENT

November, 1999

MINERAL RIGHTS OWNER (ATTACH LIST IF MORE THAN ONE)

Same as above

ADDRESS

CITY

STATE

ZIP CODE

SOURCE OF RIGHT TO MINE (CHECK ONE):

☐ MINERAL DEED

☐ LEASE

☐ WARRANTY DEED

☐ VERBAL AGREEMENT

☐ OTHER (DESCRIBE):

DATE OF AGREEMENT

NOTE: Each site must be shown on a map and be included in a public notice and an approved mine plan.



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION

STREAM PROTECTION PLAN - 10 CSR 40-10.020(2)(D)3

(Required for in-stream sites, or as required by the Director)

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TYPE OF PLAN
(CHECK ONE):

☒ SHORT TERM, FOR ONE PERMIT YEAR

☐ LONG TERM, FOR PERIOD THROUGH DATE:

Company Name: Terbrak Sand & Gravel

DESCRIPTION OF STREAM CONDITION PRIOR TO LAND RECLAMATION COMMISSION PERMITTING (BY APPLICANT OR PRIOR OPERATOR), INCLUDING BANK CONDITION, BANK VEGETATION AND WATER QUALITY.

The area to be mined involves a 625 foot stretch of Saline Creek where it crosses Perry County Road 810 (See Map A). This section of the creek is bordered by agricultural operations (cropland and pasture). A narrow width of trees borders each side of the creek except in one section of the creek bordering Earl Braun's land, approximately 100 feet to 150 feet long. The banks are steep but well vegetated except for the section mentioned herein. Water quality is excellent. Photos of the creek are enclosed.

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DESCRIBE METHODS USED TO REDUCE DAMAGE TO STREAM BANKS, SUCH AS PROTECTING BANK VEGETATION, IF APPLICABLE.

Excavations between the stream banks will be managed such that water flow is not redirected toward the stream banks. A twenty-five foot width of gravel will be left undisturbed between the operation and streambank vegetation.

DESCRIBE METHODS USED TO REDUCE DAMAGE TO STREAM ENVIRONMENTS, SUCH AS KEEPING ACTIVE MINING OPERATIONS ON GRAVEL BARS, RATHER THAN IN FLOWING WATER, AND KEEPING HAUL ROADS AWAY FROM FLOWING WATER, IF APPLICABLE.

Gravel removal will be restricted to the exposed portions of gravel (gravelbars). We will shave the tops of the gravel bars to a depth no deeper than six feet below the normal water level. We will avoid causing erosion of the streambank and channel at the mining site and upstream (headcutting). We do not think that we will have to cross the creek in this operation. If we find later that we need to, we will place a large pipe in the creek for crossing as to not interfere with the normal water flow of the creek.

The excavating of sand and gravel from the gravel bars to a depth of ~~no deeper than~~ ^{above} the water level is to re-establish proper water flow in this area of Saline Creek. Currently, the water is flooding out of the banks and into the neighboring fields and pastures.

Attach the following documents to the Stream Protection Plan Form:

- A. Two copies of a map such that the mine can be located, and distinguished from other mines in the area.
- B. Two copies of a more detailed map, prepared on an original or clearly copied USGS 7-1/2 minute topographical map, county assessor map, A.S.C.S. aerial photo, up-to-date county plat, or a different base map with a scale of one inch to six hundred sixty feet (1" = 660') or larger.
 - 1. At minimum, the detailed map must show the following:
 - a. ownership boundaries, and names of owners of surface and subsurface rights to land within and contiguous to the permit area.
 - b. boundaries and acreage of each permitted site, and of the area to be affected over the term of the mine plan.
 - c. creeks or streams within the proposed permit area.
 - d. date of map preparation, preparer's name and title, north arrow, scale, and section, township and range lines.
 - 2. The following may be required for clarification:
 - a. abandoned surface mines.
 - b. locations of erosion and sediment control devices.
 - c. structures, and natural or cultural features to be protected.

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MISSOURI LAND
RECLAMATION COMMISSION

TOOHEY & DiMAGGIO, P.C.

Attorneys at Law
11 North Main Street - P. O. Box 347
Perryville, Missouri 63775

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JAN 10 2001

MISSOURI LAND
RECLAMATION COMMISSION

Francis Toohey, Jr.
Frank V. DiMaggio*

Telephone
(573) 547-4533
Fax 547-6177

*Licensed in Missouri and Florida

January 8, 2001

MO-DNR-DEQ-LRP
Attn: Bill Zeaman
P.O. Box 176
Jefferson City, MO 65102-0176

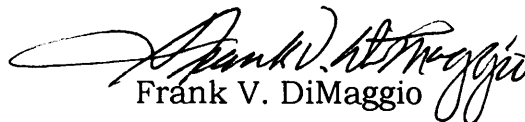
Re: Terbrak Sand & Gravel
Permit Application for Saline Creek

Dear Mr. Zeaman:

Please find enclosed the amended application for excavating sand and gravel above the water level from Saline Creek in the northern portion of Perry County, Missouri. Please process the application as soon as possible. Thank you.

You may contact either myself or my paralegal with any questions at the phone number listed above.

Sincerely,


Frank V. DiMaggio

FVD:jah

Enclosure

cc: Wayne Terbrak

S 3,4,9,10

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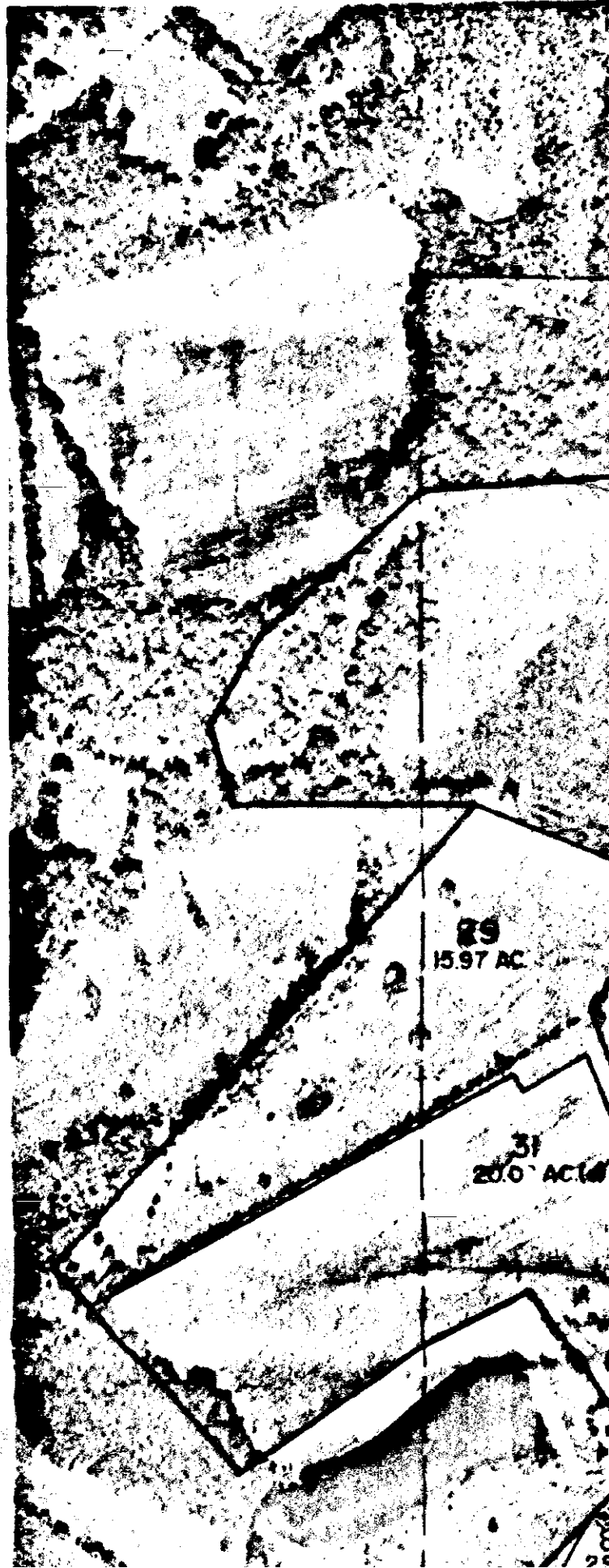
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KUCERA

& ASSOCIATES, INC.
Mentor, Ohio
Lakeland, Fla. Denver, Col.

Prepared by



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Map distinguishing Saline
Applicant: Terbrak Sand & Gravel
0862 1.75 AC

